

**MOTOROLA**

FAX TRANSMITTAL SHEET

**RECEIVED
CENTRAL FAX CENTER**

Motorola, Inc.
Intellectual Property Section
Law Department
1303 E. Algonquin Rd.
Schaumburg, IL 60196

NOV 04 2004

Telephone: (847) 576-3635

Facsimile: (847) 576-3750



Number of Pages (Including this page)

Date: November 4, 2004

To: Examiner Chen, Alan S. - Group 2182

Location: United States Patent and Trademark Office

Fax No.: 703-872-9306

From: Jeffrey K. Jacobs (Registration No. 44,798)

Subject: Serial No. 10/006,176 -Benyukhis et al.

NOTICE: This facsimile transmission may contain information that is confidential, privileged, or exempt from disclosure under applicable law. It is intended only for the person to whom it is addressed. Unauthorized use, disclosure, copying or distribution may expose you to legal liability. If you have received this transmission in error, please immediately notify us by telephone (collect) to arrange for return of the documents received and any copies made. Thank you.

MESSAGE:

Enclosed herewith, please find a RESPONSE Office Action for filing in the below-identified application.

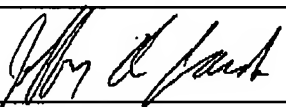
PLEASE GIVE THESE PAPERS TO:


EXAMINER:	Chen, Alan S.
GROUP ART UNIT:	2182
SERIAL NO.:	10/006,176
FILED:	December 4, 2001
INVENTOR:	Benyukhis et al.
ATTORNEY DOCKET NO.:	CE08625i

PTO/SB/21 (08-00)

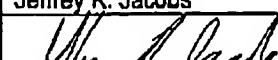
TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number		10/006,176			
		Filing Date		December 4, 2001			
		First Named Inventor		Benyukhis et al.			
		Group Art Unit		2182			
		Examiner Name		Chen, Alan S.			
Total Number of Pages in this Submission		4		Attorney Docket Number		CE08625i	

ENCLOSURES				(check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non- Recording of Document	Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	November 4, 2004		

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO to facsimile number 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:			
Typed or printed name		Nanette Orr	
Signature			Date
			November 4, 2004

FEE TRANSMITTAL Patent fees are subject to annual revision		<i>Complete if Known</i>	
		Application Number	10/006,176
		Filing Date	December 4, 2001
		First Named Inventor	Benyukhis et al.
		Examiner Name	Chen, Alan S.
		Group Art Unit	2182
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	CE08625i

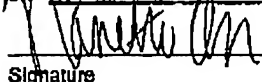
METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																											
<div>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: Deposit Account Number 50-2117 Deposit Account Name Motorola, Inc. <input checked="" type="checkbox"/> Charge Any Additional Fee required under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</div> <div>2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</div>	<div>3. ADDITIONAL FEES</div> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th></tr><tr><th>Code</th><th>Fee (\$)</th><th>Code</th><th>Fee (\$)</th><th></th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee of oath</td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr><tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td></tr><tr><td>1254</td><td>1450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td></tr><tr><td>1255</td><td>1970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td></tr><tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td></tr><tr><td>1453</td><td>1300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td></tr><tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td></tr><tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td></tr><tr><td>1450</td><td>130</td><td>1450</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(c)</td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of IDS</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (lines number of properties)</td></tr><tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr><tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr><tr><td>1801 (RCE)</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="5">Other fee (specify) _____</td></tr></tbody></table>	Large Entity	Small Entity	Large Entity	Small Entity	Fee Description	Code	Fee (\$)	Code	Fee (\$)		1051	130	2051	65	Surcharge - late filing fee of oath	1052	50	2052	25	Surcharge - late Provisional filing	1053	130	1053	130	Non-English specification	1812	2520	1812	2520	For filing a request for ex parte Reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	1251	110	2251	55	Extension for reply within first month	1252	410	2252	205	Extension for reply within second month	1253	930	2253	465	Extension for reply within third month	1254	1450	2254	725	Extension for reply within fourth month	1255	1970	2255	985	Extension for reply within fifth month	1401	320	2401	160	Notice of Appeal	1402	320	2402	160	Filing a brief in support of an appeal	1403	280	2403	140	Request for oral hearing	1451	1510	1451	1510	Petition to institute a public use proceeding	1452	110	2452	55	Petition to revive - unavoidable	1453	1300	2453	650	Petition to revive - unintentional	1501	1300	2501	650	Utility issue fee (or reissue)	1502	470	2502	235	Design issue fee	1503	630	2503	315	Plant issue fee	1450	130	1450	130	Petitions to the Commissioner	1807	50	1807	50	Processing fee under 37 CFR 1.17(c)	1806	180	1806	180	Submission of IDS	8021	40	8021	40	Recording each patent assignment per property (lines number of properties)	1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	1801 (RCE)	750	2801	375	Request for Continued Examination	1802	900	1802	900	Request for expedited examination of a design application	Other fee (specify) _____				
Large Entity	Small Entity	Large Entity	Small Entity	Fee Description																																																																																																																																																								
Code	Fee (\$)	Code	Fee (\$)																																																																																																																																																									
1051	130	2051	65	Surcharge - late filing fee of oath																																																																																																																																																								
1052	50	2052	25	Surcharge - late Provisional filing																																																																																																																																																								
1053	130	1053	130	Non-English specification																																																																																																																																																								
1812	2520	1812	2520	For filing a request for ex parte Reexamination																																																																																																																																																								
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																								
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action																																																																																																																																																								
1251	110	2251	55	Extension for reply within first month																																																																																																																																																								
1252	410	2252	205	Extension for reply within second month																																																																																																																																																								
1253	930	2253	465	Extension for reply within third month																																																																																																																																																								
1254	1450	2254	725	Extension for reply within fourth month																																																																																																																																																								
1255	1970	2255	985	Extension for reply within fifth month																																																																																																																																																								
1401	320	2401	160	Notice of Appeal																																																																																																																																																								
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																								
1403	280	2403	140	Request for oral hearing																																																																																																																																																								
1451	1510	1451	1510	Petition to institute a public use proceeding																																																																																																																																																								
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																								
1453	1300	2453	650	Petition to revive - unintentional																																																																																																																																																								
1501	1300	2501	650	Utility issue fee (or reissue)																																																																																																																																																								
1502	470	2502	235	Design issue fee																																																																																																																																																								
1503	630	2503	315	Plant issue fee																																																																																																																																																								
1450	130	1450	130	Petitions to the Commissioner																																																																																																																																																								
1807	50	1807	50	Processing fee under 37 CFR 1.17(c)																																																																																																																																																								
1806	180	1806	180	Submission of IDS																																																																																																																																																								
8021	40	8021	40	Recording each patent assignment per property (lines number of properties)																																																																																																																																																								
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																								
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																								
1801 (RCE)	750	2801	375	Request for Continued Examination																																																																																																																																																								
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																								
Other fee (specify) _____																																																																																																																																																												
<div>1. BASIC FILING FEE</div> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr><tr><th>Code</th><th>Fee (\$)</th><th>Code</th><th>Fee (\$)</th><th></th><th></th></tr></thead><tbody><tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td></td></tr><tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr><tr><td>1003</td><td>620</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr><tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr></tbody></table> <div style="text-align: right;">SUBTOTAL (1) (\$) 0.00</div> <div>2. EXTRA CLAIM FEES</div> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Total Claims</th><th>Previously Paid**</th><th>Extra Claims</th><th>Fee from below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Independent Claims</td><td>20</td><td>3</td><td>18</td><td></td></tr><tr><td>Multiple Dependent</td><td></td><td></td><td>84</td><td></td></tr><tr><td colspan="4"></td><td>280 =</td></tr></tbody></table> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th></tr><tr><th>Code</th><th>Fee (\$)</th><th>Code</th><th>Fee (\$)</th><th></th></tr></thead><tbody><tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td></tr><tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td></tr><tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td></tr><tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>* Reissue independent claims over original patent</td></tr><tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>* Reissue claims in excess of 20 and over original patent</td></tr></tbody></table> <div style="text-align: right;">SUBTOTAL (2) (\$) 0.00</div> <div><small>**OR NUMBER PREVIOUSLY PAID, IF GREATER THAN STANDARD ALLOWANCE. *For Reissues, see above</small></div>	Large Entity	Small Entity	Large Entity	Small Entity	Fee Description	Fee Paid	Code	Fee (\$)	Code	Fee (\$)			1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	620	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid	Independent Claims	20	3	18		Multiple Dependent			84						280 =	Large Entity	Small Entity	Large Entity	Small Entity	Fee Description	Code	Fee (\$)	Code	Fee (\$)		1202	18	2202	9	Claims in excess of 20	1201	84	2201	42	Independent claims in excess of 3	1203	280	2203	140	Multiple dependent claim, if not paid	1204	84	2204	42	* Reissue independent claims over original patent	1205	18	2205	9	* Reissue claims in excess of 20 and over original patent	<div>* Reduced by Basic Filing Fee paid</div> <div style="text-align: right;">SUBTOTAL (3) (\$)</div>																																																										
Large Entity	Small Entity	Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																																																							
Code	Fee (\$)	Code	Fee (\$)																																																																																																																																																									
1001	750	2001	375	Utility filing fee																																																																																																																																																								
1002	330	2002	165	Design filing fee																																																																																																																																																								
1003	620	2003	260	Plant filing fee																																																																																																																																																								
1004	750	2004	375	Reissue filing fee																																																																																																																																																								
1005	160	2005	80	Provisional filing fee																																																																																																																																																								
Total Claims	Previously Paid**	Extra Claims	Fee from below	Fee Paid																																																																																																																																																								
Independent Claims	20	3	18																																																																																																																																																									
Multiple Dependent			84																																																																																																																																																									
				280 =																																																																																																																																																								
Large Entity	Small Entity	Large Entity	Small Entity	Fee Description																																																																																																																																																								
Code	Fee (\$)	Code	Fee (\$)																																																																																																																																																									
1202	18	2202	9	Claims in excess of 20																																																																																																																																																								
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																								
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																								
1204	84	2204	42	* Reissue independent claims over original patent																																																																																																																																																								
1205	18	2205	9	* Reissue claims in excess of 20 and over original patent																																																																																																																																																								
SUBMITTED BY		<i>Complete (if applicable)</i>																																																																																																																																																										
Name (Print/Type)	Jeffrey K. Jacobs	Registration No.	44,798	Telephone	847/576-5562																																																																																																																																																							
Signature		Date	November 4, 2004																																																																																																																																																									

NOV 04 2004

AFTER FINAL **EXPEDITED PROCEDURE**

I hereby certify that this correspondence is being transmitted via facsimile
to the Assistant Commissioner for Patents at (703) 872-9306
(Attention: Examiner Chen)

On November 4, 2004

 11/4/2004
Signature date

- PATENT -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Benyukhis	EXAMINER:	Chen, Alan S
SERIAL NO.:	10/006,176	GROUP:	2182
FILED:	12/04/2001	CASE NO.:	CE08625I
ENTITLED:	HIGH AVAILABILITY SYSTEM AND METHOD FOR IMPROVED INITIALIZATION		

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196
November 4, 2004

RESPONSE

Honorable Assistant Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

In view of the issues raised in the office action mailed September 8, 2004, the following response is hereby respectfully submitted by the applicants. Reconsideration of any outstanding objections and/or rejections and allowance of the present application are respectfully requested.